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ASA Farms, Inc. and Braga Ranch

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U.S. DISTRICT COURT  
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E-FILING

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ASA FARMS, INC., a California corporation and  
BRAGA RANCH,

Plaintiffs,

v.

FRESH 'N HEALTHY, INC., a Delaware  
corporation, MARK WILLIAMS, an individual;  
JACK PARSON, an individual; STEVEN  
CINELLI, an individual; CHAD HAGEN, an  
individual, SANTOS MARTINEZ, an individual;  
DON BEAM, an individual; DARRYL  
NICHOLSON, an individual; RICHARD MAY,  
an individual; THOMAS COLOGNA, an  
individual; PRESTWICK PARTNERS, LLC, a  
California limited liability company; SOLSTICE  
VENTURE PARTNERS, LLC, a business entity  
form unknown; VFINANCE INVESTMENTS, a  
business entity form unknown; FMP  
VINEYARD, LLC, a New Mexico limited  
liability company; BUTTONWOOD OPTION,  
LLC, a business entity form unknown; DW, LLC,  
a business entity form unknown; M SOLAZZO  
TRUST 2002; P. SOLAZZO 1998; GIBBONS  
FAMILY TRUST; BIXLER TRUST;  
STEIGERWALD TRUST and CARTER TRUST,  
and DOES 1 through 50, inclusive,

Defendants.

EX PARTE MOTION FOR  
TEMPORARY RESTRAINING  
ORDER

C08 00122 PVT

**PLEASE TAKE NOTICE** that Plaintiffs move this Court to issue a preliminary injunction under Rule 65(a) of the Federal Rules of Civil Procedure enforcing the statutory trust pursuant to Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. 499e(c)(5) by segregating all trust assets of Fresh 'N Healthy, Inc.

This motion is based on the Declaration of Rodney Braga, the Memorandum of Points and Authorities in Support of Preliminary Injunction, and the records and pleadings in this action.

This motion will be before the Court in Courtroom \_\_\_\_\_, \_\_\_\_\_ Floor, 280 South 1<sup>st</sup> Street, San Jose, California on January \_\_\_\_\_, 2008 at \_\_\_\_\_.

Dated: January 7, 2008

LOMBARDO & GILLES, LLP

By: Kelly Sutherland  
Kelly McCarthy Sutherland  
Attorneys for Plaintiffs  
ASA Farms, Inc., and Braga Ranch